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FROM A
Lord to a Commoner,
K
CONCERNING
The Two CHURCH BILLS
lately Rejected.

By a COMMONER of IRELAND.

D U B L I N :

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 LORD *to* a COMMONER, &c.

My LORD,



Have carefully perused your Lordship's Letter in Defence of the two Church Bills, which lately passed the upper House of Parliament here by a great Majority of Votes, particularly of the Bishops, but were both rejected afterwards in the House of Commons. And considering the Consequence of those Bills to the Interest of the inferior
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 Clergy,

Clergy, if not to the Church in general, I do not greatly wonder that the Opposition made against them should be attended with much Zeal and Fervour, tho' I am sorry to find that your Lordship apprehends your self to have just Reason to be offended at the Conduct of some of the Clergy in that Affair.

My Lord, I am thoroughly perswaded that the Intention of my Lords the Bishops in promoting those Bills was upright, and such as your Lordship mentions; viz. the Advancement of Religion and of the Protestant Interest, and the Benefit and Service of the Body of the Clergy. But that those Bills were well calculated or had a natural Aptitude and Tendency to produce those good Ends, of that, my Lord, I am not so well satisfied by many Degrees for several Reasons, which I shall mention as they fall in my Way.

Your Lordship begins with the Bill which was first debated, intituled, according to your Lordship, (for I never heard the Title of it before) *A Bill more effectually to enable the Clergy having Cure of Souls to reside on their respective Benefices, and to build on their respective Glebe-Lands.*

My Lord, by this Title one would be led to imagine, that some Assistance was intended to be given to the Clergy by the Act towards building Houses on their Glebes; because the Title of the Bill is to enable them to reside, and to build. Now if the Act would not have enabled them to build, as well as to reside, it was but a flattering Title, or a Misnomer at best; for it might have been more properly intituled *An Act more effectually to enable the Clergy, to reside on their Benefices, by compelling them to build on their Glebes.*

Your Lordship proceeds next to acquaint us, that this Bill is relative to an Act made in the first Year of His present Majesty, in which *a Bishop is empower'd*

to oblige any Clergyman of his Diocese, having a Benefice worth One Hundred and Fifty Pounds, per Ann. with a convenient Glebe, to build an House on the same within a certain Time, to be limited and appointed by the Bishop, after such Clergyman has been two Years in Possession of such Benefice, which Act (as your Lordship observes) is now in Force; and, my Lord, I do not remember to have heard that any publick Opposition was made to it at the Time of its passing.

Here then, my Lord, I humbly beg Leave to ask whether that Act might not have been a sufficient Tryal of the Clergy, if the Bishops had been pleased to have put it in Execution, and to have waited a little to see the Event of it? Would they not soon have discovered by it from what Cause or Causes the Want of Glebe-Houses in this Kingdom arises? Whether from the Poverty of the Clergy in general, (few of them having any Money or other Substance of their own at first to begin to build with) or from their natural Indisposition and Aversion from building, or from the inconvenient Situation of their Glebes with respect to the Church, or from any other, and what Cause? And since that Act is in force, may not this Experiment be made still?

But your Lordship tells us, that upon mature Consideration, the Bishops, finding it expedient to bring the Qualification still lower, brought in the Bill in Question for amending the Defects of the former Act. And that in this Bill it was enacted that

If any Person shall hereafter accept of any Deanry, Arch-deaconry, Dignity, Prebendary of one or more Rectories (having no Vicarage endowed) Vicarages, perpetual Curacies, or other Ecclesiastical Preferments, with Cure of Souls belonging thereto, which either singly or jointly, or together with what he at the Time of the Acceptance thereof shall enjoy in the same Diocese, shall make up the Sum of One Hundred Pounds, Sterl. per Ann. every such

such Dean, Arch-Deacon, Dignitary, Prebendary, Rector, Vicar, Curate, or other Ecclesiastical Person having Cure of Souls, after he hath been three Years in Possession thereof, and having no House thereon fit and convenient for his Residence; and any one of such Benefices being endowed with such Portion of Glebe Land as the Archbishop or Bishop of the Diocese shall judge fit and convenient for building thereon, shall, within a certain Time, to be limited and appointed by the Archbishop or Bishop of the Diocese, build and improve on such Glebe Land, in such Manner, with such Consent, under such Rules and Limitations, and with such Benefits and Advantages, and be entitled to such Proportion of the Money laid out in building, and improving on such Glebe Land, as by the said recited Act is mentioned and expressed.

Here your Lordship remarks, it appears at first Sight, that the main end of this Clause, which makes up the Bulk of the Bill, is to promote the Residence of the Clergy described in it, and that the Bill taken in this general View must be allowed to be good.

My Lord, tho' my Sight be none of the quickest, yet I think I discern clearly enough in the Clause a good Design in general, to promote the Residence of the lower Clergy, amidst several dark Spots that appear up and down in it; and Charity obliges me to believe, that those who voted for this Bill, more especially my Lords the Bishops, took it in this Light.

But, my Lord, what appears well in general and at first Sight, is not always fit to pass into a Law, or to be made a part of it; because upon a nearer View, and a more exact and particular Examination of the several Parts, of which a Bill, or the principal Clause of a Bill does consist, and upon comparing them one with another, many shrewd Objections may be, and often are raised against it. Of which Obscurity is none of the least on sundry Accounts; chiefly,

chiefly, because it is ever apt to induce a Suspicion of some latent Mischief which may follow, altho' perhaps it was not intended. And, my Lord, I have heard that this very Objection was made to the Clause, that your Lordship has published as containing the main Substance of the Bill, altho' your Lordship has forgot to mention it.

I am loth to be troublesome to your Lordship, yet I cannot well omit to take some Notice here of a Passage, fallen from your Pen, which, tho' right in the main, may be liable to some Exception. Where speaking of the Residence of such of the Clergy, which this Bill was intended to inforce; your Words are these, *Without which it is impossible for them to answer the great Ends for which they were made Clergymen.* My Lord, this Passage must not be understood too strictly, so as to confine the Residence of such Clergymen to their Glebes only, and thereby to condemn the Residence of those that dwell in hired Houses more convenient and nearer to the Church, particularly in Market-Towns, nor yet must they be interpreted to relate only to a constant and fix'd Residence, lest they should seem absolutely to condemn, not only all Faculties to hold two or more Livings, but even the Commendams of the Bishops themselves, both which (I verily believe) it was beyond your Lordships Intention to condemn.

After this your Lordship proceeds to consider the Objections that were made against the Bill.

The first of which is, *That it was compulsory on Deans, Arch-Deacons, Dignitaries, and Prebendaries, who were not included in the former Act, and that the proper Residence of such is at the Cathedral Church.* Here your Lordship takes no Notice of the Twenty-Sixth Canon, enjoining the Residence of Deans at their Cathedrals for the Space of Ninety Days at least in every Year, provided that they have Houses belonging to their Deanries, or Lands to build them on; nor
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yet of the Twenty-eighth Canon, which concerns the Residence of other Dignitaries, and Prebends at the same, but is so far from excusing them from Residence on their Benefices, on account thereof, that it strictly enjoyns them to reside on them, and not at their Cathedrals above one Month, or at most two in the whole Year. Thus far, my Lord, if I may speak it without Offence, your Lordship's Answer seems to be somewhat short. But then, as that Answer is founded on a plain and palpable Difference betwixt this Church, and the Church of *England*, with respect to such Preferments, it is in my Judgment very material. Those Preferments are in *England* generally, if not always *sine Cures*. With us they have Parishes annex'd with Cure of Souls, as your Lordship observes. In a Word, they are rather nominal than real Preferments for the most part in *Ireland*, and chiefly serve to keep up a nearer and greater Conformity with the Church of *England*. And this, my Lord, I readily own, does in a great Measure take off the Force of this Objection against the Bill : And I desire that your Lordship will not forget what you have said on this Head, if I should have Occasion to remind you of it in the Course of my Answer to your Lordship's Letter.

The second Objection mentioned by your Lordship to be made against the Bill, is, that it extended to Unions. And your Lordship confesses that this was one of the principal Views of the Bill, because the greatest Defect of Residence was observed to be there. And yet, my Lord, a very little after your Lordship acknowledges *that such Unions (Unions of small Livings) are in Truth a great Discouragement to Building*. And not only so, but that this has been pleaded by the Incumbents, as an Excuse for their neglecting to build, and that this Excuse has been generally admitted by the Bishops ? And pray, my Lord, why should it not be admitted still ? especially unless one of the Glebes of the united Parishes lye very near and convenient to
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some Church, where there is constant Service ? If these Unions were perpetual, something might be said for compelling their Incumbents to build. But where they are temporary, and the Parishes of which they consist are perhaps in the Gift of several Patrons, so that probably they may never be united again, I see no Reason for arming the Bishops with a Power, that can be of no great Service to the Church, but which may possibly prove vexatious to some of the Clergy through the well-meaning, but untemper'd Zeal of some one, or more Bishops, for building on Glebes, howsoever situated.

But your Lordship asks, *must the Parishioners want the Benefit of a Resident Minister, because three or four Parishes are put together in order to provide him a Maintenance ? If he receives their temporal Things, should not they in return receive his spiritual Things ?* My Lord, in all Reason. But may they not receive his spiritual Things in the Church ? Or may they not receive them in an hired House near the Church, as well as in a House on his Glebe at a greater Distance from it ? And will your Lordship call such a Person Non-Resident, especially while he has as yet no House on his Glebe, to reside in ?

Your Lordship here adds a Thing, which I should have least of all expected, *viz. That the last Clause of the Bill carried down the Compulsion to a Benefice of Fifty Pounds, per Ann. provided the Incumbent should previously obtain from the Trustees of the First-Fruits an Hundred Pounds, the better to enable him to build.* But, my Lord, can it be imagined that the Trustees of the First-Fruits would have advanced an Hundred Pounds to encourage a Clergyman to lay out on his Glebe Seventy-five Pounds of his own, which was his Proportion, and all that the Bill could otherwise have obliged him to lay out ?

Or was it the Intention of this Bill to have oblig'd a Clergyman who had one Living of Fifty Pounds,
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per Ann. with a Glebe belonging to it, and another Living, or Livings, lying in the same Diocese, but at the Distance of Twenty Miles (perhaps) from the first, and worth (for Instance) Ninety-eight Pounds *per Ann.* to have laid out a Year and an half's Profits of the Whole, that is two Hundred and twenty-two Pounds, together with an Hundred Pounds advanced by the Trustees, in all three Hundred and twenty-two Pounds, on the Glebe of a Living, which in the Whole was worth no more than Fifty Pounds *per Ann.*

As such Improvements would have been too large for the Living on which they would have been made, so they would have been but of little Use in order to have enabled such Clergyman to have attended the Service of his other Cures at present, and of none at all hereafter, when those Livings should come again to be in separate Hands. And is it credible, my Lord, that the Trustees of the First Fruits would have parted with an Hundred Pounds on such poor Views as these.

But I am sensible I am got into the Dark for want of a Copy of the Bills as they passed the House of Lords, which I have not yet been able to procure; and being unwilling to wander any further in it, I proceed to the Third and last Exception to the Bill, *viz.*

That it was unnecessary the Clergy being generally Resident in this Kingdom. And when I have dispatch'd that, I shall return to consider some Passages, intervening betwixt the Sixth and Sixteenth Pages of your Lordship's Letter, lest I should seem to pass over so considerable a Part of it wholly unregarded.

My Lord, this Objection to the Bill that it was unnecessary, is of the greatest Weight, and seems to strike at the Foundation of it.

In answer to it your Lordship says, *Look thro' most of our Dioceses, and compare the Number of the beneficed Clergy*

Clergy with the Number of Glebe-Houses, and see if there be an House for every Man, or for every Second, or even third Man in the Kingdom.

But (my Lord) that may be owing chiefly to the Inconvenient Situation of their Glebes. For to what End should they build on Glebes that lye many times at two, sometimes at three Miles distance from their Churches? After they have performed the Morning Service on *Sundays*, must they not go back to their own Houses to dine? And must they return a second Time to their Churches to perform the Afternoon Service? Or is it so much as possible for them to do it in the Winter Season? Do the Clergy that dwell at half that Distance, ordinarily do this? Is not by this Means Catechising of Children (of such singular Advantage for grounding them in the Principles of true Religion) together with the whole Afternoon-Service in many Places neglected? Is not this the Reason why Divine-Service is so seldom performed on *Holy-days* in Country-Parishes, and why Churchings of Women are frequently omitted, and are going apace into Disuse?

My Lord, when I see beneficed Clergymen, who are yet in their full Strength and Vigour, building Houses on their Glebes with Diligence and Chearfulness, at the Distance of half a Mile or less from their Churches in Obedience to the Commands of their Superiours, I own I am pleased with their honest Zeal, and cannot help applauding them for it. But yet I cannot avoid reflecting at the same Time, that, as old Age and Infirmities draw on, they will grow sensible of the Inconveniencies even of this small Distance; and that in their best Estate they will find it very difficult, if not impossible, especially in the Winter Season, to bring half their Families along with them to Church.

I presume your Lordship is not ignorant how far better accommodated the beneficed Clergy of *England*

land are in this Respect. They have almost in every Parish a small Glebe lying next to the Church, on which their Parsonage-Houses are built; insomuch that it is not hard for a Traveller, as he passes through a Village, to distinguish the Parsonage-House from the rest of the Houses by that Mark; altho' he be a perfect Stranger there. In most Parishes, in the Midland especially, the Church-yard Wall is a Fence to the Rector's Garden on one Side, and he passes from his House to his Church, thro' a Door fix'd in that Wall. These are mighty Conveniencies for the discharging all Parts of Divine Service, and that at all Times; which the Clergy of *Ireland* commonly want, and perhaps no where more, than where they have the largest and most valuable Glebes; and they are therefore many times compell'd to take Farms, or to hire Houses, (tho' at an Over-value) as near, and convenient to their Churches, as they can, for the better and more effectual Discharge of their Duty.

Your Lordship was not only aware of this Plea, but you have actually admitted it, where you say, *That if Residence be made effectual, you will not censure it, tho' it be not in every Point Canonical.* And as to what your Lordship objects, *That the Residence of such Clergy, as have no Houses on their Glebes, is precarious, and many times a difficult and distress'd kind of Residence,* My Lord, the Clergy cannot help that; they must submit to Necessity, and take things as they find them. But surely it cannot well be a more difficult, or distressed Residence (provided it be tolerably near to the Church) than Residence on a far distant Glebe would be: And if it be more precarious, it will be at the same Time more effectual to the Service of the Cure. And, my Lord, I am of Opinion that in such a Case a Successor would be so far from looking on what his Predecessor had expended on such a distant Glebe, as a comfortable Legacy left to himself, that he would account it rather an unnecessary

necessary and intolerable Burthen laid on him and his Successors.

But pray (my Lord) why will not your Lordship allow the Residence of such Clergymen, as I have before described, who have not Houses on their Glebes, to be Canonical? Is there any Canon that condemns it, or that so much as enjoins the Inferior Clergy to reside on their Glebes? My Lord I know of none either in *England*, or *Ireland*; nor yet of any other Law (except the Act before mentioned) made in the First Year of his present Majesty, which requires the Inferior Clergy to build Houses on their Glebes, where there were none before.

And, my Lord, in my Judgment this Bill was the more unnecessary by reason of that Act, by which the Residence of so considerable a Part of the Inferior Clergy on their Glebes was so lately provided for. And there is still another thing that render'd it less necessary, and seasonable at present, and that is, the several Acts mentioned in the eleventh Page of your Lordship's Letter, for enabling the Laity to give Lands lying convenient in Exchange for inconvenient Glebes, and to endow Churches that have no Glebes, and to enable the Bishops to grant away their own Lands for Glebes; which wise and good Acts have not yet produced their desired Effects for lack of Time.

I proceed now to consider some Passages intervening between the sixth and sixteenth Pages of your Lordship's Letter, which were hitherto pass'd over by me only for the sake of Method.

At the seventh Page your Lordship speaks much in Favour of the Power that was intended to have been given to the Bishops by the Bill: And amongst other Things you say, *That it was a Power to compel the lower Clergy to begin a Habit of Frugality and good Oeconomy. At least that it was a Power to secure to their Widows and Children, or other Relations three*
Fourths

Fourths of the prime Cost expended in Building and Improving.

My Lord, I fear that tho' such a Power in the Bishops over the poorer Clergy, ought to have been a Motive of Frugality and good Oeconomy, yet that it would not always have wrought those good Effects on them.

But, my Lord, how or by what Means would it have secured to their Widows and Children or other Relations (I do not say three Fourths, but) any Part of what was laid out by them in Building and Improving? Put the Case that they were worth little or nothing before they began to build, and that their Building should have run them into Debt, or that they should live extravagantly, or prove unfortunate afterwards, would not their Creditors recover what Money was due on Account of their Buildings and Improvements from their Wives and Children? Would they not attach it in the Hands of their Successors?

Your Lordship labours in the eighth and ninth Pages to shew, *That the Bishop is the most proper Person to judge of the Fitness of a Glebe for Building and Improving on, not only as he is the proper Governor of the Clergy, but also as he is an indifferent Judge, which it must be allowed the Incumbent cannot be, because it is his own Cause.*

But, my Lord, if you please to look back, you will find that the Thing complained of there, and that to which your Lordship ought to have answered, was not so much that the Bishop was made a Judge what Glebe was convenient, as that it was left entirely to his Discretion, or in other Words, that he was made the sole and final Judge of it by the Bill, which it is apprehended he was not by the former Act? For the Words in the former Act are [*Being endowed with Glebe-Lands, lying near his Parish-Church, and being fit and convenient for Building*] which Words left the Judges of the Common Law (who are the Expositors

tors of all Statutes) to determine that Matter finally, if the Incumbent should think himself aggrieved by the Bishop's Judgment. But the Words of the Bill are [*Such Portion of Glebe-Land as the Archbishop or Bishop of the Diocese shall judge fit and convenient for Building thereon*] which leave it solely and entirely to the Bishops or Archbishops Judgment. And how far such an Alteration might prejudice the Inferior Clergy against this Bill, I leave it to your Lordship to judge.

Your Lordship afterwards proceeds to obviate an Objection, supposed to be made against the Bishops, viz. *That they had no kind Intentions towards the Inferior Clergy, and affected the Powers given by the Bill with a Design to oppress and enslave them.*

My Lord, notwithstanding the base and scurrilous Pamphlets, that have swarmed of late, many of which have been fathered on Authors, who (I am perswaded) detest and abhor them, I profess sincerely that I do not know any Person (Clergyman or other) that is so unjust or uncharitable as to believe this of the Bench of Bishops.

However, to remove this Objection (such as it is) your Lordship in the tenth Page argues thus, *If the Bishops were inclined to vex the Inferior Clergy, they needed not the Aid of this Bill; the Laws in being supply them with Power sufficient for that End. And for Proof of this Assertion, you say in the same Page,*

Look over the Constitutions, Rubricks, and Canons of the Church, and you will see that a Bishop can every Day of his Life harrafs, and distress in his Courts every Clergyman in his Diocese.

My Lord, this is a strange Account of the Canons and Constitutions of this Church, which could not have had the Force of Laws without the Consent of the Inferior Clergy to them in Convocation, as your Lordship will easily discern by a little Reflection. I have looked them over according to your Direction, and

and find many of them harmless, as having no Penalty at all annex'd to them, and the rest not difficult to be kept by a regular and upright Clergyman, who will take the Pains now and then to read them. And as to the Rubricks (my Lord) they are only Directions for the better and more regular Performance of Divine Service ; and tho' they are established by Law, yet they have not the Force of Laws themselves, nor is a wilful Transgression of them Penal, without one, or more previous Admonitions, much less an involuntary one.

At the eleventh and following Pages, your Lordship instances in several Things, whereby the Affection of the present Set of Bishops to their Clergy, and their Concern for their Interest may appear ; which is urged as a further Argument to convince the Clergy, of what most of them, I believe, were very well convinced before, *viz.* that the Bishops had no Intentions to oppress, or enslave them by the Bills.

Here your Lordships asks : *Do not the Bishops wink at the bad Titles, by which Livings are accumulated thro' the Kingdom ?* Pray, my Lord, how do they wink at them ? Or how are such Livings accumulated ? If they are full (as one must suppose them to be by your mentioning bad Titles, and by the Instance that follows) it is evident that the Bishops must have filled them, either by instituting Clerks to them on the Presentation of pretended Patrons, or else by their own Collation. In either Case the Bishop has nothing further to do, more than any other Person.

The Instance your Lordship gives of a certain Lord Lieutenant, who solicited a Bishop (for so I understand it) to search for Livings lapsed to the Crown within his own Diocese, is somewhat extraordinary. Surely the Register, or some inferior Clerk in the Office, would have been a more proper Person to have employed in such a Business than the Bishop, and might have done it as effectually ? But how many Livings
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(my Lord) does your Lordship suppose may be in Lapse to the Crown at this, or any other determinate Time, which will answer the Trouble and Expence of taking out the Crown's Title to them? My Lord, I dare say that there are very few in the Kingdom; I believe not one, that will countervail that Expence, and the odious Imputation of being a King's-Fisher into the Bargain.

And, my Lord, as to the smaller Livings in the Crown's Gift, which will not quit the Cost of a Presentation from the King, they are commonly held by the Collation of the Bishop. And, where they are so poor, that they will not quit the Cost of a Collation, the Profits are granted away by Sequestration to any neighbouring Clergyman, that is willing to undertake the Cure. And there is no Remedy for these Things that I know of. I remember a Clergyman in *England* in the Reign of King *William*, who would not take the Oaths to the Government, or at least took no Care to do it. And being asked whether he was not apprehensive of losing his Living by it, he answered, No: My Living (says he) is worth but eight Pounds a Year, and if any Man will do the Duty for less, let him.

Your Lordship asks again in the same Page, who brought in, and afterwards continued the Bill for securing the Right of Advowsons, and Presentations to Ecclesiastical Benefices, by which the mean Profits are secured to the Recovering Clerk against the Intruder, in order to restrain the Bishop from admitting to Benefices at Pleasure, and by Affection to the Prejudice of Lay-Patrons?

Who brought in this Bill! You must know better than I, as also what are the Advantages of it. But, my Lord, one would have thought, that it had been designed for the Restraining usurping Clerks from intruding into Benefices, to which they had no good Title, rather than Bishops from admitting such

Clerks, which your Lordship intimates to be the Reason for bringing in and continuing this Act; because the securing the mean Profits to the Clerk, who prevails in the Suit, by compelling the Clerk Incumbent to refund them, may well discourage inferior Clergymen from intermeddling with bad, or even disputable Titles, but is no Discouragement to the Bishop from admitting such Titles on the Presentation of others, as far as I can see.

There is indeed one great Disadvantage to the Bishops naturally arising from this Act; and that is, whenever a Bishop has a controverted Title to a Benefice, he must either quit his Claim altogether, or else maintain it at his own Cost; for he will find it difficult to get a Clerk who will venture to defend the Suit for him. And considering how difficult and intricate Suits in *quare impedit* are, and upon what nice Points they often turn, a Bishop may be induced many times to let go a probable Right to the Disadvantage of his See, rather than to maintain it at Law to the Disadvantage of his Family.

Another Effect of this Act is this; that as it extends to Clerks presented by the Crown, who, where the Crown brings the *quare impedit*, are not so much as made Parties to the Suit; it is a mighty Encouragement to them not only at first to hunt out, and to accept of any old dormant Title, how unequitable soever it may appear, but even to prosecute it, after Judgment is given against the Crown, by Writs of Error to higher Courts, in hopes of prevailing at last, and of being amply repaid, not only by recovering the Benefice in Dispute, but also the mean Profits that have accrued pending the Suit. And tho' they should fail of Success in it, yet still they are thought to have a just Claim to His Majesty's Favour, and a Right to expect perhaps better Preferment, whenever it falls, than what they have miss'd of, merely on Account of the Zeal they have shewn, and the Trouble and Cost they

they have been at in defending His Majesty's Title to such contested Preferments. And this is another great Encouragement to some Men at least to undertake such Suits at first, and afterwards to prosecute them as far as they will go. In the mean time there is not the least Remedy or Recompence to the Incumbent for all that he shall have spent, and suffered in so long and vexatious a Suit ; but it is enough for him, that he has obtained his *Quietas* at last, and that he has escaped his utter Undoing. How equitable these Things may appear to my Lords the Bishops, or whether they have been considered by them hitherto, as they deserve, or what mighty Advantages there may be arising from this Act (which do not readily occur to me) sufficient to outweigh these seeming Disadvantages, I cannot tell. But, as this Act is not yet made perpetual, I hope that all Things relating to it will be thoroughly considered, and weighed in proper time ; and that in the mean while your Lordship will forbear to charge me with arraigning the Laws in being, on Account of any thing I have said in Reference to this Act, which has been entirely occasioned by your introducing it, as brought in by the Bishops to their Honour, and the Church's Advantage.

I have still one Word more to add in Reference to that Act ; which is, that long before it was made, the Statute of *Westminster 2. Chapter 5.* in the 13th of *Edward the First*, gave Damages to half a Years Value of the Church against the Intruder, and in Case of Non-payment of them, half a Years Imprisonment, and that these Damages were recoverable in the same Action in which the Right was tryed and determined, without sending the Victor to another Court to bring a new Suit for them there. And this was thought to be a sufficient Remedy in former Times, when the Doctrine of *Quare impedit* was at least as well understood, as it is at this Day ; and that Act is still in Force.

Your Lordship asks again, who brought in the Bills for the better Maintenance of Curates? Was it not the Bishops?

My Lord, the beneficed Clergy cannot, nor will not deny, that the Bishops have done much good both to themselves, and others, and that as well in Parliament, as out of it. But your Lordship seems not always to be happy in the Choice of those Instances you give to prove it. The Acts last mentioned are undoubtedly good Acts, and in the Main for the Advantage of the Church. But then your Lordship cannot but know that by them a Power was taken from the inferior beneficed Clergy, and placed in the Bishops. For, before these Acts, it was in the Power of every beneficed Clergyman, to make an Agreement with his Curate for his Salary, before he nominated him to the Bishop. Whereas, by these Acts the Bishops have the Power of allocating the Salaries of Curates at the Time they are nominated, or whenever else they shall see Occasion. So that the Bishops bringing in these Bills (how good soever they may be in themselves) is improperly alledged by your Lordship to demonstrate their Concern for the Interest of the beneficed Clergy, since the Bills appear to have been designed for the Advantage of the Unbeneficed, that is, of the Curates; for whose Benefit the Power of appointing these Salaries was transferr'd to the Bishops out of the Hands of the Inferior Clergy.

In the thirteenth and fourteenth Pages, your Lordship speaks of the Remedy which this Bill had provided in Case a Clergyman should refuse to build, which was (it seems) by Sequestration; and this your Lordship acknowledges might have proved vexatious, and expensive in ill Hands. But for that you are of Opinion that the Incumbent might have thanked himself, because he made it necessary; with more to the same Effect.

As your Lordship has not printed that Part of the Bill, which relates to it, I have little to say concerning it; only I have been told, in Case the Bishop and Incumbent had died at a Time when the Sequestrator had Money in his Hands, not laid out; that there was no Direction in the Bill how it should be applied, or disposed of afterwards; which was accounted no small Defect in it.

I come now to the Bill for explaining and amending the Union and Division Act, which recites in the Preamble (as your Lordship says) *That there are in this Kingdom several Parishes of very large Extent, and of great yearly Income, and if divided, would make a comfortable Support and Maintenance for two or more Incumbents.*

That this End may be frustrated by reason of the Incumbent's not giving his Consent to such Division, or by reason of the Church of such Parish being vacant. And then for Remedy Enacts, That when the Church is vacant, or if the Incumbent of any such Parish shall refuse to give his Consent to such Division, that then and in such Cases it shall be lawful to and for the Chief Governor or Governors of this Kingdom for the Time being, with the Assent of the major Part of the Privy Council in Council assembled, six at least consenting, where it shall be made appear to them that in the Division of such large Parish proposed to them for their Approbation, the Church of the old Parish will after such Division made, continue worth at least, communibus Annis, Three hundred Pounds per Annum, with the Approbation and Consent of the Archbishop of the Province, the Bishop of the Diocese, and the Patron and Patrons of such Parish to make and establish such Division, of such old Parish, in such Manner and under the same Savings, and Proviso's, as they might have done by Vertue of the Acts of the Second and Tenth of King George the First, in Case the Incumbent had given his Consent thereto, or the said Church had not been vacant. To which your Lordship

ship adds, that there is afterwards a Saving for the present Incumbent, so that he cannot suffer in his Income by it, and that this is the Substance of the Bill.

My Lord, all that I can find in the Preamble to this Bill is, that there are some Parishes of such large Extent, and great yearly Income, that they might well be divided into two or three, and that they then would afford a comfortable Maintenance to as many Incumbents.

By this it is intimated indeed, tho' not express'd, that the dividing of such Parishes would be of Service, and Benefit to the Church. Which I conceive ought to have been directly asserted (not intimated only) the better to induce what follows. For otherwise it may be disputed whether such large Parishes ought to be divided, or not ; because, as Things stand at present, each of them commonly affords a Maintenance to two or more Clergymen, tho' to no more than one Incumbent. The End therefore, which may be frustrated (as the Preamble says) by reason of the Incumbent's not giving his Consent to the Division of such Parish, or by the Church of such Parish being vacant, is the comfortable Support and Maintenance of so many more Incumbents. Not, my Lord, of so many more Clergymen to attend the Cure of such Parish (for such it already maintains) but of so many more Incumbents. And for this the following Remedy was provided by the Bill.

Your Lordship indeed supposes, and takes it all along for granted in your Reasonings on this Bill, that there is but one Clergyman in every such Parish, or at least that Divine-Service is no where performed in it, but at the Parish-Church, and therefore, that such Members of the Church, or *Protestants* (as your Lordship affects to call them) who live towards the Extremity of such Parishes, cannot repair to Divine-Service for one half of the Year, if they would, and that

in Fa&t they do not see their own Church once in many Years, and their Minister not much oftner. In short your Lordship represents them as a People that are utterly neglected, as Sheep lying out of the Eye and Reach of their Shepherd, continually exposed to be seduced by *Popish* Priests and Emissaries, and to be devoured by the Wolves of the Church of *Rome* ? This is very tragical indeed ! These (says your Lordship) *are the Evils, which the Bill lately rejected was designed to remedy, by increasing the Number of Churches and Incumbents on those overgrown Parishes.*

My Lord, if these were the Evils which that Bill was indeed designed to Remedy, it is strange that we do not find the least Mention or Intimation of them in the Preamble to it. This makes me suspect that your Lordship has mistaken the true and real Intention of the Bill, which appears from the Preamble to have been to make way for the comfortable Support and Maintenance of more Incumbents. And the Reason why the Evils, which your Lordship says were designed to be remedied by the Bill, are not mentioned in the Preamble, I judge to be this ; because the Parliament well knew, that those Evils were long since provided against by the Common Law, which allows and approves of building Chappels of Ease in large Parishes, where a considerable Body of the Parishioners dwell at too great a Distance from the Parish-Church, and obliges the Incumbent of every such Parish to maintain a sufficient Curate or Curates to officiate at such Chappels, when built ; but more especially, by two late Statutes, intitl'd, *For the better Maintenance of Curates within the Church of Ireland* ; the one made in the sixth Year of King George the First, the other in the First of his present Majesty, which not only enforce the Common Law in that Point, but also oblige the Parishioners to repair such Chappels after the same manner that the Parish-Church is repaired and kept up, and to furnish them with

with all Things necessary and commodious for the Celebration of Divine-Service at the common Charge of the whole Parish, which the Common Law before did not. My Lord, some of these Chappels were built in such large Parishes in this Kingdom, and constantly supplied and served before the making of these Acts, and I make no doubt but others have been built in other Places since, so that one might not improperly ask your Lordship, where those neglected *Protestants* live, who cannot for one half of the Year repair to Divine-Service, nor do actually see, or are visited by their Minister once in several Years, and who are continually exposed to be seduced and perverted by *Popish* Emissaries, like Sheep removed out of the Eye and Reach of their Shepherd? My Lord, as I know none such my self, so I cannot forbear suspecting that it would puzzle your Lordship not a little to specify the Diocese and Parish where any considerable Number of such neglected *Protestants* dwell. Or if such can possibly be found in some one Parish, who live at too great a Distance from their Parish-Church, or from any Chappel belonging to it; yet if they happen to live nigh to the Church of some Parish next adjoining, or other Chappel where Divine-Service is constantly performed, according to the Usage of the Church of *Ireland*, I cannot but hope, that even that might prevent and secure them from turning *Papists*, or living like *Heathens* without any Worship at all, since they might so easily resort thither without Offence or Molestation.

I must therefore insist upon it, that the End proposed by the Bill (the Principal at least, if not the only End) was the comfortable support and Maintenance of so many more Incumbents, as it is set forth in the Preamble.

And here I think it must readily occur to every Man's Thoughts, that encreasing the Number of Incumbents would naturally and necessarily lessen the
 Number

Number of Curates and Assistants, who, as Things now stand, do a great Part of the Duty of the Incumbents, and are Fellow-labourers in the same Parishes with them. Because after the Division of the large Parishes, as the New Incumbents would be less able to bear the Charge of such Assistance, so they would have far less need of it.

For as the Income will then be divided, so will the Cure of Souls be divided too, and lessened in Proportion. Inasmuch that upon the whole Matter it seems probable, that the Number of *Protestant* Clergymen would continue much the same after the Division of such overgrown Parishes (as your Lordship is pleased to call them) as it is at present.

But (my Lord) what becomes then of the Expedient, which you, in the Twenty seventh Page of your Letter, say was offered to the Gentlemen of the *House of Commons* (I would not willingly mistake, but I think your Lordship means them) for encreasing the Number of *Protestant* Clergymen, in order to ballance the Increase of *Romish* Priests which of late are so mightily complained of, and to check their Attempts, if the Number of *Protestant* Clergymen will not after all be increased by dividing such Parishes? Or where (my Lord) is the Propriety of the Motto prefix'd to your Letter, if after such Division is made, the Labourers will continue as few, and the Harvest as great as ever?

My Lord, there is yet one thing more very proper to be considered before I come to the Objections against the Bill, and that is, whether it be likely that the Cure of Souls of the whole District; or that which was the old Parish, would have been better provided for than it was before, and served to better Effect after such Division, supposing that the Bill had pass'd.

This is certainly a Consideration of great Moment, of which the Preamble to the Bill takes not the least Notice,

Notice, which yet might have been reasonably expected, and I think would hardly have been omitted, if the Truth had been indisputably clear on the Side of dividing. But to me it seems rather to lie on the contrary Part.

And here I hope I may be allowed to take it for granted, that the Incumbents of these large Parishes are generally speaking Men of Learning, Experience, and Discretion, as well as of Probity, and Virtue, the rather because the far greater Part of those Livings are in the Disposal of the Bishops, who must be supposed to be the best Judges in such Cases, and whose Recommendations always had, and no doubt will continue to have great Weight with other Patrons, and even with the Crown it self.

Now as to the publick Performance of Divine Offices, I suppose that Things will be much upon an Equality, and that it will make no great Difference whether Places of Worship are called Churches, or Chappels, on Condition that Divine-Service be duly and constantly performed there; especially since these Chappels would most probably be put to the same Use as formerly, and only change their Name into Churches, at what Time the Division should take Place. And again, it will matter as little, whether he that officiates in either of them be called Rector, or Curate.

But then for the Conduct and Government of such a Parish in Spiritual Things (for, my Lord, Rectors of Parishes are Spiritual Governors within their own Districts, tho' of an inferior Order, and of far less Authority than Bishops) for driving away Errors, and reclaiming such as have gone astray, for stopping the Mouths of Adversaries and Gainsayers, of what Quality or Denomination soever, and preserving the Flock in the Unity of the Church, for healing Quarrels and Animosities arising amongst Neighbours, and preventing or removing the Occasions of them, for resolving Que-
stions

sions and Doubts in difficult and intricate Cases relating to Conscience, and in many other Instances, a single Incumbent (such as is before described) with one or more Curates, or Assistants under him, seems to be preferable to two or more Incumbents within the same Bounds or District, that have no Relation to one another. For in the first Case there will always be Conference and Debate, and Counsel before any thing comes to be resolved upon, and nothing arduous or of great Moment will be finally determined, or put in Execution by the Curates, without the Consent and Approbation of their Rector. In the latter, each Incumbent must determine and act by himself without the Opinion or Advice of others, which yet often proves a singular Help and Advantage to the most exact and accurate Judgment.

Give me leave, my Lord, to add this further Consideration, that these large Parishes are (as it were) Schools and Seminaries for training up young Clergymen in the Knowledge and Exercise of their Duty under prudent and experienced Rectors, by conversing with whom they find frequent and daily Opportunities of being instructed in many Things, of which before they were ignorant, of being directed by them in their Studies, and of being furnished with the Loan of many useful Books, which to the great Discouragement of Learning are so miserably scarce, and dear in this Kingdom.

It is now high Time for me to proceed to the Objections which your Lordship says were urged against the Bill, together with your Remarks upon them. And here I shall make it my Business to disentangle myself from your Answers, such of them, as appear to me to be of greatest Weight, and to explain and reinforce them: And then I shall add other Objections against the Bill, which were either not touched upon by the Clergy's Counsel, or others in Parliament; or, if they were, are not mentioned in your Lordship's Letter.

Here

Here you set out with confounding two Objections together, and, as it seems to me, with misrepresenting one of them in some measure at the same Time. You say, *that it was objected that the Division of large Livings would be a great Discouragement to Learning.* Surely this alone, when the Truth of it is made out, is a solid Objection against the Bill.

And that it would hinder the younger Sons of Gentlemen of large Estates, and the elder Sons of Gentlemen of small Estates, from being bred up for the Church: Or (as it might I think have been more strongly urged) that it would hinder the Sons of the Nobility, and principal Gentry from being bred up to the Service of the Church, and entering into Holy Orders. Surely my Lord, this is an Objection far different from the former. Whether it be so despicable an one, as your Lordship takes it to be, we shall see presently.

In the mean Time it is evident, that you was not ignorant, they were not One, but Two Objections; because in the middle of the next Page, your Lordship (after a new and surprizing Manner which I cannot stay to animadvert on at present) introduces a fresh Objection, which you actually call the Third, without any other intervening. My Lord, when Things are thus confounded by joining them together, which ought to be divided and separated from each other, the Logicians call it the Fallacy of Composition, or a *male conjunctis ad bene divisa*. Let us now see how your Lordship reasons from this odd Conjunction, by asking in the next Words,

Pray, Sir, do you really think, that the giving a great Preferment to any Man whatever, is of equal Moment with the saving of Souls, and the Conversion of Papists, and the strengthening of the Protestant Interest?

My Lord, it puzzled me for some Time to guess from whence this Question should arise, or what it might be that should occasion your asking it. But I believe

believe I have hit at last on your Lordship's Clew. You conceive it to be clear and certain beyond Dispute, that until the large Parishes are split into two or three a-piece, and given to as many distinct Incumbents, it will be in vain to think of saving Souls, or converting *Papists*, or strengthening the *Protestant* Interest within the Bounds of those Parishes. But you ought to have first demonstrated that those Ends could not be attained by any other Way, or at least not by any other so well. For otherwise (my Lord) you will be in Danger of falling into another Fallacy, called begging the Question, that is, taking that for granted, which ought to have been first proved. And this appears indeed to me to be the Ground of that whole Paragraph.

In your next, your Lordship asks again, *Is three hundred Pounds per Annum so despicable a Provision for the Persons above specified?* By which you must plainly mean, for such of the inferior Clergy, as are of the best Learning, or of the most honourable Birth. My Lord, I am loath to call three hundred Pounds *per Annum* a despicable Provision, since it is perhaps as much as many learned and worthy Men possess'd formerly; tho' I cannot but remind you, that by the Decrease of the Value of Money, three hundred Pounds now is not equal to two hundred Pounds forty or fifty Years ago. But (my Lord) if three hundred Pounds *per Annum* now be not a despicable Thing, I think I may be allowed to say that it is a poor and scanty Provision for the Persons above described.

The inferior Clergy, my Lord, do not look with Envy on the Revenues of my Lords the Bishops, but on the contrary heartily wish that they were in some Places greater and more considerable than they are, but in none less. Why then should my Lords the Bishops think six or even seven Hundred Pounds, *per Ann.* clear Money (and I doubt whether any single Living in the Kingdom does exceed that, *communibus Annis*, when

when Payments, Deficiencies, and Charges of every Sort are first deducted) I say, why should they think seven Hundred Pounds, *per Ann.* too great a Reward for the most learned, worthy, and honourable amongst those of the inferior Clergy?

You proceed next to draw a Comparison betwixt the Church Preferments here, and in *England*, and you lay it down as a Thing unquestionable, that not one Clergyman in an Hundred there has a Benefice worth three Hundred Pounds, *per Ann.* altho' they are not behind their Neighbours in Point of Learning.

My Lord, tho' I am not perfectly well satisfied of the Truth of what you here assert, even supposing you to speak only of single Benefices with Cure, excluding all Unions, and Benefices without Cure, (the yearly Income of some at least of which exceeds that Sum) yet I am not disposed at present to dispute that Matter with your Lordship, but shall readily admit it to be true. Only I cannot help making this Remark upon it, that, even since I was able to understand any Thing of History, or Church Affairs, I remember it has always been bewailed as the great Calamity and Unhappiness of that Church, that two Thirds at least of the Tythes of most of the best Livings, and in many Places a much greater Share, was given away in Impropriations to the Laity, and alienated for ever from the Cure of Souls, to which they ought to have been restored at the Reformation; which is the Reason why you seldom find a Church in a Market-Town worth more than six or at most seven-score Pounds a Year, where, if the Clergy had the whole Tythes, they would be worth four or five Hundred Pounds a Year, and sometimes considerably more. And surely, my Lord, what is lamented as so great a Misfortune there, ought not to be urged as a Precedent, or proposed as a Direction for us to follow here.

You

You afterwards go on with the Comparifon betwixt the two Churches with refpect to their Preferments; and having laid it as a Foundation for your After-reafoning, that not more than one Benefice in an Hundred in *England* amounts to three Hundred Pounds, *per Ann.* you affume that the Number of the beneficed Clergymen in *Ireland* is about feven Hundred. And then from thefe Premiffes your Lordfhip draws this unfortunate Conclufion; *that, if there were no more than feven Benefices of three Hundred Pounds per Ann. in Ireland, the Clergy of Ireland would be upon a Par with the Clergy of England in point of Church Preferment.*

But you have forgot what you faid in the fifth Page of your Letter? My Lord, what is become of the Deanries, Dignities, and Prebends, which you there affert to be univerfally *fine Cures* in *England*? Are not all thefe tenable together with other Church Benefices without a Faculty? And are there not Fines belonging to many of them of equal or more Value than their reserved Rents, or yearly Incomes? Are there not many tolerably good Benefices with Cure in their Difpofal, or at leaft in the Difpofal of the Chapters to which they belong? What is become of all the Arch-deacons, which are *fine Cures*, and yet are not Members of thofe Chapters? What, my Lord, is become of all the Collegiate Churches in *England*? efpecially of thofe rich Ones, *Westminster, Windsor, Eaton, Winchester*, and *Chrift-Church* in *Oxford*, with the Canonries or Fellowfhips, Offices, and Patronages belonging to them? What is become of the Headfhips of moft of the Colleges in the two Universities? Of the Rectories not annex'd to any Prebend, that are *fine Cures* prefentative; Of the Donatives, which, becaufe they require not Inftitution, are tenable with other Benefices with Cure without a Faculty? Of the Governments of Hofpitals, and of Brotherhoods? By the Help of thefe and other Things,

Things, such as the Lecture-ships in *London* and elsewhere, there are many Clergymen in *England*, who, tho' they have not Benefices with Cure, of three Hundred Pounds, *per Ann.* yet, have considerably more sometimes than twice that yearly Income by the Church, and perhaps the Chance of considerable Fines into the Bargain; and all this without being put to the Charge or Trouble of a Faculty. For, my Lord, the same Man is often Dean of one Church, and Prebendary of another, or Prebendary of two or three Churches at one time, or Prebendary of a Cathedral Church, and Canon, or Fellow, or perhaps Dean, or Provost, or Warden of a Collegiate Church, or has the Government of an Hospital, and a good Living with Cure of Souls at the same Time, whereas there are few Preferments of any Sort without Cure in *Ireland*. By all which your Lordship may see how many Ways there are in *England* of distinguishing inferior Clergymen of extraordinary Learning and Merit, above others, and how much you have erred in your Comparison of that Church with this in point of Preferments.

When it is therefore objected against the Bill now under Debate, that the Division of large Livings would be a great Discouragement to Learning, the Meaning and Reason of it is because there being very few Preferments in *Ireland*, by which Clergymen of extraordinary Merit and Learning may be distinguished, and honoured above their Brethren, besides these great Livings, if the Bill had passed, some would have been discouraged thereby from entering on the Study of Divinity, and others, that are entered, would be far less eager and intent on it, that they would rise later, and spend less Time at it, and sit down sooner contented without penetrating so deep into it as they might; like Men that have finished their Work, and are (at least) in their own Opinion, abundantly qualified for the best Preferments, which they

they can reasonably expect to arrive at, if not for better Things.

And again, when it is objected to this Bill, that such Division would hinder the Sons of the Nobility and Gentry from being bred up to that Profession, and from entering into holy Orders, the Force of the Objection lies in this, that the Church, considered as part of the civil Society, or Body Politick, will by this Means be deprived of many Friends and Advocates of great Power and Authority in the State, who are now firmly attach'd to its Interests, on account of the Relation or Alliance they bear to several of the Clergy who are provided of a fair and honourable Maintenance in it. These are certainly not one, but two Objections, very different in kind one from the other.

But here your Lordship asks, *Suppose for once that Gentlemen (à fortiori Noblemen) were not to breed up their Sons for the Church, Would Religion suffer by this Means?* My Lord, it is hard to know what you mean by that Question, or when Religion may be said to suffer in your Lordship's Sense and Judgment. It is a known Observation, that Religion was never purer both in Theory and Practice, than during the Ten Persecutions in the first Ages of Christianity. I would gladly know, whether Religion might properly be said to have suffered in those Days in your Lordship's Opinion? But if the Meaning of your Question be no more, than what it appears to be from what follows, *viz.* Whether it would be any Detriment or Loss to the Church, if none of the Sons of Noblemen or Gentlemen were bred up to the Service of it, or admitted into Holy Orders? I answer that I think it would be a great Detriment both to the Honour and Interest of it.

My Lord, was it not Part of *Jeroboam's* Sin, that he made Priests of the lowest of the People? Does your Lordship imagine that the Spirit of God noted

this Circumstance heedlessly, and without Design? Were not these Things written for our Admonition, upon whom the Ends of the World, the last Dispensation is come? Does not your Lordship a little after say, *That there are many Men of Birth preferred in the Church, that are Ornaments to their Profession?* How, my Lord, are they Ornaments to their Profession? Are they honourable, and is their Profession mean and despicable? Is their Profession indeed below them? No certainly, but the Truth is, that they and their Profession mutually adorn each other.

Nor do I understand what you would insinuate by those mean Offices, which you afterwards say are incumbent on the Minister of a Country Parish, and which one bred up in high Life (that is the Son of a Gentleman or Nobleman) cannot buckle to, so well as one obscurely born. It is no Wonder indeed if such Men do not much relish the Conversation of rude and unbred Peasants; but surely, my Lord, no Law obliges them to chuse such for their Companions. They may nevertheless be ready and willing at proper Seasons to instruct them in the several Parts of their Duty, and that as well in private, as publick; and particularly to exhort them to Humility and a dutiful Submission to their Superiors, which are the Virtues which such Men seem to stand most in Need of; and in the mean time to bear with their Infirmities, 'till by Degrees they bring them on to a better Mind. They will not refuse to visit them in their Sickness, or to pray with, or for them. And surely their Instructions will prevail as far, and their good Example generally farther than that of others, especially of such as are *obscurely born*. But as I may have Occasion to say more to this purpose hereafter,

I pass on to the third Objection, which your Lordship says was made to this Bill, *viz.* that the Incumbent is a Trustee for his Successor, and therefore it was a Wrong to vacate his Consent.

My

My Lord, tho' I am satisfy'd that this Objection is not rightly stated, yet let us see how you argue against it. You say, that if there be any Force in the Objection, it lies equally against the Laws in being. But why so? Because an Incumbent that consents to divide a Parish of two Hundred Pounds, *per Ann.* is, according to this Way of Reasoning, as much a wrong Doer and a faithless Trustee, as he who consents to divide a Parish of twice the Value.

But, my Lord, whoever said that an Incumbent cannot in any case consent to the Division of his Parish without doing wrong, or being a faithless Trustee? I am sure the Objection neither says, nor implies any such Thing; nay it seems to me strongly to imply the contrary. For if it were always a Wrong, surely the Law would not have suffered it to have been done in any case, though it were with the Incumbent's Consent. All that the Objection implies is, that it would be a Wrong to do it without his Consent, or to make his Consent not necessary to the doing of it, because he is a Trustee for his Successor.

But in order to come to the Bottom of the Objection your Lordship proceeds and asks. *Pray, Sir, how comes the present Incumbent to be a Trustee for his Successor in this Respect?* To which you make answer your self; *You will tell me by the Tenth (you mean the Fourteenth) of Charles the Second.* And this you readily acknowledge to be true; but then you think, *That a subsequent Act may well take away Powers given by a precedent Act, especially when they are found by Experience to be inconvenient.* But, my Lord, all this Reasoning is founded on a wrong Bottom. For first I must observe to you, that the Act of *Charles the Second*, to which you refer, was only temporary, and expired in or about the Year 1682, so that if any new Powers had been given by that Act to the Incumbent, which he had not before, yet he must necessarily have lost them again when that Act expired.

Secondly, the Objection is wrong stated. For it ought to have been stated thus, that the Incumbent is a Trustee for his Church, and not for his Successor. Not that he was made such by any Statute or Act of Parliament, either before, in, or since King *Charles* the Second's Time, but that he was originally so by the Common-Law, before any Acts of Parliament were made, at least that are now extant. And this is the Reason of his being called Parson, *quasi Persona Ecclesiae*, because he represents the Church it self, and is said to be possessed in her Right, as the Lord Coke says in his Comment upon *Littleton*, pag. 300, where he quotes all the antient Books of the Law for it. And he was therefore made a Corporation, that he might take and receive any Thing to the Use of his Church, such as Gifts or Legacies, and that he might sue or be sued in any Action relating to it. So long as he continues Incumbent, the Freehold of the Church is in him, and when he is removed by Death or otherwise, the Church is said to be a Widow, and the Freehold of it in Abeyance or Consideration of Law. So that, as your Lordship has afterwards express'd it much more agreeably to the Truth, and the Nature of the Subject, the Incumbent is a Trustee in the Reason and Nature of the Thing, and therefore his Consent ought not to be vacated, or set aside by this, or any other Act, where his Church is concerned. Not that I think such an Act would have been invalid, if it had pass'd; but that it was a sufficient Reason for rejecting it, because it was so contrary not only to the Common-Law, but to all Statutes before; and that the rejecting it by the Honourable House of Commons, without a Division, was very agreeable to the Answers both of Kings and Parliaments in *England*, whenever such Innovations were attempted in old Times, *Nolumus Leges Angliæ mutari*.

But you say that the Incumbent has no Pretence to set up as a Trustee for the Patronage. No, my Lord,
no

no further than that he is bound in Honour and Gratitude not to do, or suffer any thing to be done, so far as he can prevent it, to the Prejudice of the Patron's Title, who gave him the Benefice.

But then, my Lord, he is a Trustee to preserve the Rights of his Church, as well against the Patron himself, as against all others. In a Word, the Patron, the Bishop and Incumbent were appointed by the Law to be mutual Checks upon each other, to prevent the Church from receiving Damage. To which the Archbishop has of late been, not improperly, added. But, my Lord, where the same Person is both Patron and Bishop, nay and perhaps Archbishop too, if the Incumbent be set aside, what may not be done? Certainly it is in vain to expect, that Persons so distantly concerned, as the Chief Governor and Council, should supply the Place of the Incumbent, and prove a check in his Room.

But your Lordship observes after all that the Incumbent was not wholly neglected, or superseded by the Bill, as appears from hence, because the Clause runs thus, in Case he shall refuse his Consent ; which implies that it was to be asked. But surely, my Lord, he was rather mock'd and despised thereby, since the Act might have pass'd not only without, but against his Consent, if he had refused it. And it had been better at least in that Respect, that such Divisions had been made practicable only in the Vacancy of the Church, when his Consent could not be asked ; and far more agreeable it had been to the Common Law.

By what I have said you will plainly perceive, that I cannot pay so much Deference to the Bishops Vote and Judgment in the Matter now before us, as your Lordship thinks it reasonable for me to do. And yet I must assure you that I am not desirous, nor yet in the least inclined to alter the Constitution of the Church, or to set up Presbytery.

Another

Another Objection, which your Lordship has mentioned to be made to the Bill, arises from the Difficulty of knowing when Three hundred Pounds *per Annum* will be fairly left to the Mother Church by reason of the Uncertainty of the Value of Tythes, and (give me leave to add) by reason that no Allowance is made for necessary Charges, Payments, and Deficiencies by the Bill, as far as I can find by what appears of it, or by what I have yet heard concerning it. My Lord, the Words in the enacting Clause relating to this Matter are these : *Where it shall be made appear to them (that is to the Chief Governor and Council whose Consent is required by the Bill) that the Church of the said Parish will after such Division made, continue worth at least Three hundred Pounds per Anni. communibus Annis, it shall be lawful to make and establish such Division, &c.* This is all the Guard left to secure this great Point that I can yet find. There is nothing that the Incumbent should be first called, and if he appeared, should be at Liberty to object to the Value of what was intended to be left to the Mother Church ; which yet had not been unreasonable, considering that his Consent would have been before taken away by the Bill. Might it not, my Lord, have been easily made appear to them, that are Strangers to such Things, that what was designed to be left would be worth that Sum or more *communibus Annis*, although it might in the Event have proved otherwise ? And, if it had been made to appear so to them, what Remedy had been left to the Successor ? What would your Lordship's peremptory Decision in the case, that he could not be concluded by the Division, have availed him after such Division had taken Effect ? Surely, my Lord, this Objection was not brought in altogether to swell the Number, as your Lordship suggests, but must be allowed to have considerable Weight in it.

I come

I come now to offer some Objections that occur to me against this Bill, which I do not find mentioned in your Lordship's Letter.

The first is, that it would have much lessened and sunk the inferior Clergy, both in regard to the Bishops, and to the Laity.

In regard to the Bishops. For what Clergyman, that had but Three hundred Pounds *per Annum* or little more, would have been able to have entertained his Bishop whenever he had thought fit to visit parochially, or whatever other Occasion there might be for it, without pinching himself and his Family afterwards on that Account? Who amongst them without a Faculty could have born the Expence of serving as Proctors for the Clergy in Convocation for the best Part of a Winter, if it should at any Time please His Majesty or his Successors to renew the legal and ancient Right of assembling in Convocation.

How far beneath the Bishops in Income had the Principal of the inferior Clergy been thereby rendered? Whereas in *England* a considerable Number of them approach very near to the lowest of the Bishops; nay sometimes they equal or exceed them in Revenue, tho' not in Dignity.

And then too in respect to the Laity. As Things stand at present, the Prime Gentry of a Country (not to say some of the Nobility) do often admit the Clergy, especially such of them as are accounted eminent for their Learning and Worth, to great Freedom at their Tables, and almost to an Equality of Friendship with them, partly in Regard to their Education, and partly out of Love to their Order; and chearfully repay their Visits, so long as they apprehend that they are not burthensome to them. By this Means the Principal of the inferior Clergy are enabled by their Interest to support their poorer Brethren, and to preserve them from Oppression and Contempt, which
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could not so well be done after the best Livings should be divided. For then the Case would be mightily altered, and this friendly Intercourse betwixt the Clergy and Gentry must in a great Measure cease, because few, if any of the Clergy would be able for the future to return the Civilities they receive at the Houses of the Gentry, so as to keep this Correspondence on Foot, and at the same time to provide for their own Families, as they ought.

Secondly, The Bill lays the Foundation of too great an Equality amongst the Presbyters themselves ; who, tho' they are all of the same Order, yet are their Abilities and Accomplishments exceedingly different, and by Consequence they deserve a very different Reward. And what makes it worse in the present Case is, that this Effect was to have been brought about, not by raising Presbyters of meaner Abilities higher, but by depressing those of the greatest, and by that Means bringing them nearer to an Equality with the rest, if this Bill had passed.

Now as every Minister of God's Word deserves an honourable Maintenance for his Works sake, so (as I said) some deserve a much more honourable one, than others. Your Lordship I know cannot be ignorant of St. Paul's Direction to *Timothy* in the very Point that is before us. *1 Tim. v. 17. Let the Elders that rule well be counted worthy of double Honour, especially those who labour in the Word and Doctrine.*

My Lord, there is little doubt but by Elders here are meant Presbyters by Office, or Order, according to the usual and known Sense of that Word in this Church ; and that by double Honour is meant double Maintenance or Allowance, as one of these almost naturally follows the other ; and that the Reason why St. Paul sent this Order to *Timothy*, was, because *Timothy* was a Bishop, and had all the Money and Goods given by the Faithful, and belonging to the Church in his Possession, out of which he allotted to every
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Man his Reward or Maintenance, when he sent him abroad to preach the Gospel, as the Custom of the Church then was. In this almost all Commentators of note, and particularly those of our own Church agree. Many of them, by the Word *Double*, do not understand exactly double, or just twice as much as was usually given to others, but indefinitely a far greater Reward, or a certain Number or Quantity for an uncertain, leaving it to *Timothy* to settle the Proportion according to his own Judgment and Discretion. Thus we see some Presbyters were to be distinguished and honoured above others, only on account of their Ruling well; that is, of guiding their Flocks in spiritual Affairs with greater Wisdom and Authority, than other Presbyters did, or perhaps could do.

To this the Apostle adds another Distinction, *especially such as labour in the Word and Doctrine*. By which he seems to lay the Foundation of a new and still greater Difference in Favour of diligent and able Preachers, but more especially, when these two very different Talents meet together in the same Persons. Thus far I conceive there is Authority from Scripture for an Inequality in the Maintenance of Presbyters.

Let us now consider whether Reason does not say the same Thing. And here, omitting all other Differences, we will consider only the different manner of Education of the several Persons designed, and trained up for the Ministry of the Church; and what Difference that may probably make between them. Your Lordship seems to prefer Men of obscure Birth, and such as have been bred up in low Life for the Work of the Ministry, to Men of higher Extraction, and better Fortunes. To me the Advantage seems to lie on the opposite Side.

Now as the laying a good Foundation is of great Advantage to any future Building, and as setting out right at first is a mighty Help and Furtherance to a Journey

Journey or Progress, so the chusing of a good School, where Grammar, Rhetorick, and the learned Languages, more especially *Latin* and *Greek* (which are the Doors and Inlets to polite Literature) are taught to Perfection, is an incredible Advantage to a young Scholar, and gives a happy Tincture to all his future Learning. But,

Here the Sons of mean Families frequently meet with an irreparable Loss, who to save Expence are almost fatally determined to such Schools as are nearest at hand, whether they be good or bad; of which they and their Parents are for the most part Judges alike. Or if they chance to be sent farther from home, yet still it is to such Schools where they may be boarded and taught at the cheapest Rate, which generally speaking are none of the best. On the contrary, Gentlemen are not usually under any such Necessity of sending their Sons to indifferent Schools in order to save the Charge of a better Education, but may chuse out the best Masters for them, if they have any Skill that way themselves, or are willing to hearken to the Advice of such of their Friends as have.

After this Part of their Education is past, they are sent to the University to be instructed in Philosophy, and the Rudiments of their intended Faculty, I mean Divinity. But here the Charge still increasing, the Sons of meaner Families meet with greater Difficulties and Discouragements in their Studies than before. For now, besides a greater yearly or quarterly Allowance, they will require the Use of many more Books than were necessary at School, where yet it is probable they were not very plentifully furnished, at least not with the best Editions. And as soon as their Parents begin to find themselves pinched with these additional Expences, to relieve themselves they commonly call their Children home to study there. By this Means they are deprived not only of the Advantage of Disputations, and all other publick Exercises, but

but likewise of their Tutor's Instructions too for so long Time as they continue absent from the University : Whither they must return, as soon as a new Supply of Money can be raised for them, to keep their Terms, and to perform certain Exercises previous to a Degree ; after which they are hurried into the Country again to save Charges. Upon the whole Matter, if, of the four first Years, which are required to the taking of the Degree of Batchelor of Arts, one half the Time be spent in Residence at the University, it is accounted very well. After this they commence Batchelors, then take leave of the University, and as soon as they are of Age for it, are admitted into Orders, and having obtained a Curacy, release their Friends from all future Trouble and Charge on their Accounts.

On the other Hand, the Sons of better Families, and particularly of Noblemen or Gentlemen, enjoy all the Advantages which the aforementioned Persons want ; being conducted by their Tutors, and led (as it were by the Hand) thro' the Principles and first Beginnings of all Arts and Sciences, which without that Help are for the most part extremely difficult and perplexing. And as they are seldom absent in the Country, they pass regularly thro' the publick Exercises, attend on Lectures and Disputations, and commonly tarry at the University till they are Masters of Arts, and perhaps for some Time after, not only to perfect their Academical Studies, and set themselves to the Study of the Holy Scriptures, but to read over some few of the first Fathers and Histories of the Church, and in a Word, to lay in a tolerable Stock of Divinity before they enter into Holy Orders. And is not this far better than to enter on the Study of Divinity and on the Office of a Minister, perhaps a Preacher at the same Time, without any tolerable Preparation for it ? How little is to be expected from so slender an Education as the former, and what Im-

Improvements in due Time may not be expected from the latter ?

But here it will be said, that there are indeed great Discouragements on one Side ; but what will not Industry with Sobriety, and an earnest Desire of advancing ones self to Honour and Preferment, conquer ? And that there are on the other Hand great Advantages, which may all be lost and avail nothing thro' Idleness, Self-conceit, Love of Pleasure, want of Sobriety, and the like.

But, my Lord, to suppose that the Sons of meaner Families are always or for the most Part sober and diligent, and that the Sons of Gentlemen on the other Hand, are always or for the most Part addicted to Pleasure and Idleness, is to suppose abundantly more than can be granted. For Experience shews the contrary, and that much more depends on their inward Tempers, as to these Things, than on their outward Circumstances. But letting that pass.

My Lord, there is one Obstacle at least, which it is next to impossible for Men, that are oppress'd with Poverty and low Circumstances, to surmount, so as to arrive at any great Degree or Eminence in Learning. And that is, the Want of Variety of learned Books, without which it is as vain to expect that a Clergyman should become an eminent and able Divine, as that a Man should learn the Art of a Smith to Perfection without a Vice and File, and other like Instruments. For Books are as much the Tools of Scholars, as those I mentioned are the Tools of Mechanicks. Only the Difference is, that they are abundantly more numerous and costly in one case, than in the other.

My Lord, I do not deny but that an honest Clergyman, by Diligence in doing his Duty, and attending continually on that very Thing, may without great Learning do much Good in his Station ; nor yet, that such an one, by the Help of a few Commenta-
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tors, and the Writings of some late Divines, (whose Works may be perhaps borrowed, if they are too dear to be bought) may make some tolerable Progress in the Knowledge of Divinity, without a Study well furnished with the antient Fathers, and other Books of profound Learning. But then, my Lord, I cannot apprehend that this is the Scribe instructed unto the Kingdom of Heaven, spoken of by our Blessed Lord, *Matthew xiii. verse 52.* whom he there compares to an Housholder that bringeth out of his Treasure Things new and old. Nor can I think that such Men will be accounted fit for the first Stations in the Church beneath the Bishops, 'till the Income of them is so reduced as to be too narrow an Allowance for Men of far superior Learning : Who may serve to defend the Church against new Heresies, or old ones new vamped, whilst my Lords the Bishops are attending on Parliament, or perhaps necessarily busied and employed in other great Affairs relating to the Government either of Church or State. I might add much more to the present Purpose, but that I am sensible I have already dwelt too long on this Objection.

Thirdly, This Bill if it had passed, would necessarily have stripp'd some of the inferior Clergy of certain Rights and Privileges, which by the Law at present belong to them. For as there are Chappels of Ease in the large Parishes, built at first for the Convenience of such Parishioners as dwell at too great a Distance from the Church, and supplied at the Cost of the Rectors and Incumbents of them ever since, so long the Nomination of the Curates, who are to supply them, will be in these Rectors and Incumbents, which is an inferior kind of Patronage belonging to them. But when those Parishes come to be divided, those Chappels with the Lands on which they are built, will be turned into Churches and Churchyards for the Service of the new Parishes, and the Nomi-

Nomination of Curates to them will cease, and be utterly taken away from the Incumbents.

Fourthly, As this Bill tended to deprive some of the inferior Clergy of their legal Rights and Privileges, so also would it have multiplied Fees payable to the Bishops and their Officers, which must have come chiefly out of the Pockets of the inferior Clergy.

For after that so many new Parishes had been erected, there must necessarily have been so many more Institutions, as there would have been new Incumbents, the Fees of each of which to the Bishop and his Officers, are somewhat considerable. Then the Fees at Visitations would also be increased by it, for each new Incumbent must infallibly have paid Exhibits yearly, if not a new Procuration, which may admit of some doubt. Add to this the Fees of Licences to so many more School-masters and Parish Clerks, with their Exhibits also at Visitations, and of so many more Church-Wardens, with the Fees of Sequestration, when any one of the new Parishes should become and continue void for any Time, and the Fees of Relaxation afterwards, with other Things of less Note.

Fifthly, The Bill, if it had pass'd, would have occasioned the granting many more Faculties for holding Pluralities of Benefices with Cure, than are at present in the Church.

Now that which is commonly alledged in Favour of Pluralities, and indeed is the best Thing that can be said for them, is that a Living is many times too poor a Maintenance for its Incumbent, who may be a Man of Family, or perhaps a Chaplain to some great Nobleman or Bishop, or however a Man of Learning and Figure in the Church. Were it not for such Reasons as these, Pluralities would be odious Things, and must be condemned by all Men, because they draw Non-Residence after them by a natural Consequence,

quence, it being impossible that one Body should be in two or more Places at once; and then again Non-residence usually causes Dilapidations in such of the Livings, as are supplied by Curates, where there are Buildings on the Glebes; with many other Mischiefs.

To what End therefore is it to divide the few large Livings (and very few your Lordship makes them in your new Edition of your Letter) since they are not at present enough in Number to make Provision for such of the Clergy, as are of more than ordinary Eminence in the Church? Is not the Church already forced to admit Pluralities, with all the Train of Inconveniencies attending them, purely to make out an handsome and proper Provision for them? And is it possible, my Lord, that a Clergyman should have a nearer Inspection and greater Care of eight or perhaps ten thousand Souls, where half of them live at thirty or forty Miles Distance from the rest, than if they lived all together without the Inhabitants of any other Parish or Parishes coming in between them? Or where Curates are necessary, does your Lordship think that they will not perform their Duty under the Eye of their Rectors as well, or better than if they dwelt at the Distance of forty or fifty Miles from them? To say nothing of the want of Hospitality and Provision for the Poor almost unavoidable in those Parishes where Curates officiate and preside. Surely, my Lord, there is something not easily answerable in this Objection. I think you will hardly deny, that the Division of large Parishes, intended by the Bill, would, if it had pass'd into an Act, have naturally multiplied Faculties for holding two or more Benefices with Cure at one Time. Give me leave then to put this Case to your Lordship: Suppose some Clergyman of good Learning, who is at present little known, and but meanly provided for, should do some signal Service to the Church? As for Instance, by
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writing against Atheistical Doctrines, and confuting some pestilent and prevailing Herefy ; and that this should happen soon after the Division of the large Livings had been made, but before they had taken their full Effect by the Death of the present Incumbents. I make no doubt but in that Case my Lords the Bishops, as well as all true Friends to the Church, would earnestly long for, and endeavour to promote his Advancement. Soon after this, perhaps the Incumbent of some large Parish dies, which being already divided into two Parts that are nearly equal, neither of them alone is thought a sufficient Reward for his Merits. And, if Pluralities are allowable in any Case, it is impossible to find out one more convenient than this would be, if both Parts were joyned together again for the Time in one Incumbent. Thus the same Person might be again possessed of the same District with his worthy Predecessor, but with this Difference, that he must first be at the Charge of a Faculty, which may perhaps run him into Debt ; and of a double Institution which will increase it ; besides the Addition of the annual Burthens at all future Visitations. If your Lordship should think fit to reply to this, that such Case cannot happen, because three hundred Pounds *per Annum*, or one of the Parts, will be not only a sufficient Maintenance, but Reward for any inferior Clergyman, be his Merits what they will, I confess that I am answered, my Lord, but not satisfied.

Another Objection against the Bill is, that if it had pass'd into a Law, it would have changed the Bounds of many Parishes, which might have occasioned Law-Suits and many other Mischiefs, which it is hard for human Wisdom to foresee. And this is the Case of all great and sudden Alterations, and a just Prejudice it is against them ; so that wise Men will seldom venture to be Authors or Advisers of them, unless where there are some visible and very great Advantages to be gained,

ed, or some intolerable Evils to be avoided or remedied by them.

The last Objection I shall make to the Bill is, that if nothing else were to be said against it, yet it wanted several Limitations to make it tolerable, as far at least as I can yet learn. I shall mention two or three.

The first is, that no Division should be held or reputed valid in Law, whereby any considerable Part or Compass of Land should be left under the Care of the Mother-Church, which lies at a greater Distance from it, than any other Parts that are proposed and intended to be separated from it by the Division.

For, my Lord, it ought to lye on those who labour for making such Divisions without the Consent of the present Incumbents, to see and take Care that the Parishes when divided, be made compact and shapable (as your Lordship expresses it) and particularly that the Parish belonging to the Mother Church, (which is to lose all, but gain nothing) be so left for the Ease and Advantage of its future Incumbents.

For otherwise, my Lord, such Divisions might be made with no other View, but that the Patron may have so many more Livings to dispose of; whereby he will have an Opportunity of obliging and gratifying so many more Persons, and of creating greater Dependencies to himself; which is an End that has surely no Relation to the good of the Church.

The second is, that no Division be made of any Parish, where Buildings or other Improvements have been made on the Glebe of such Parish, that are not yet fully paid for, and discharged. For otherwise, my Lord, how shall the Widows and Orphans of improving Clergymen recover what part the Laws require to be paid to them for the Improvements that have been made by their Fathers or Husbands?

Shall he that has but three Hundred Pounds a Year, or not much more, pay for the Improvements that
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have been made on a Living of five or six Hundred Pounds a Year according to the Statute ?

Or shall the Incumbent of the new erected Parish pay any part of them, who has not a Stick or Stone, or perhaps a Foot of Land besides his Church-yard to lay it on ? Or, lastly, shall the Widow and Children of the Improver lose by the Division good part of what the Law appoints to be paid to them on Account of his Building, and other Improvements made by him on his Glebe ?

Thirdly, that no Glebe-Lands should be alienated by such Division, or made the Glebe-Lands of a new Parish, altho' they should happen to be so situated as to be cut off by the Division (with other Lands adjoining) from the Mother Church, and become part of a new erected Parish.

That there are Glebe-Lands so situated in some Parishes, that would have been capable of being divided by the Bill, I well know. But I am at a Loss to guess what was intended to be done in regard to them, having never heard that there was any Provision in the Bill touching this Matter. If any Glebe was intended to be taken away from the Mother-Church by such Division, and given to the Minister of a new erected Parish, might not this have caused an expensive Law-Suit between future Incumbents, as was suggested under the former Objection ? If nothing but Tythes were to have been taken away from the Mother-Church, the Incumbents of the new erected Parishes would have wanted Glebes to build and reside on ; which would undoubtedly have been the Case of most, if not all of them.

Having now, my Lord, finished my Answer to your Letter concerning both the Bills, I would gladly conclude, but that it may perhaps be expected from me, that I should not entirely pass over the Additions made by your Lordship in your second Edition, which I had not seen till lately, and more especially that

that I should endeavour to wipe off, as far as I am able, some Reflections, which your Lordship has been pleased to cast on some of the inferior Clergy in the first Edition of your Letter, on account of their Conduct in this unhappy Variance and Dissention between them and the Bishops, and which appears to be much aggravated and increased in the second Edition.

In the Twenty-ninth Page of the second Edition, your Lordship has added a kind of Address to the Lay-Patrons, in which there are several exceptionable Passages. I shall Instance in one, where speaking of the Right of Patronage, and of the Division of Livings, you say, that it is natural for every Man to desire the Power of disposing of what is his own, without being controuled, especially by those who hold under him. This is surely a very uncautious and unguarded manner of Expression. For, my Lord, has a Patron the same Interest in the Livings that are in his Gift as a Proprietor has in his Lands? Or can beneficed Clerks be said to hold under their Patrons, as Tenants hold under their Lords? Were this the Case it might indeed be reasonable that a Patron should be at Liberty to divide his Benefice into as many parts as he pleases, without the controul either of the Clerk or the Bishop. And there is no doubt, but (were it so) the Law would suffer him to do it after the Death of the present Incumbent, who your Lordship knows is but Tenant for Life. But to be more serious, my Lord, the Cases are indeed widely different.

For, first, the Patron has no Right in the Benefice, but only a Right of nominating a Clerk to it as often as it becomes void. And this Right might come to him either by Descent, or Donation, or Purchase, or perhaps by Usurpation; for the Law has made it subject to be alienated, and to pass from one Person to another by the same Ways and Methods, by which other Inheritances are subject to Alienation.

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The next Thing to be consider'd is, how this Right at first began ; for this may greatly help to clear up our Notions concerning it. Now this Right was allowed to the first Patrons by the Bishops, either on Account that they had built Churches at their own proper Charges, or that they were built on their Land, or Soil, with their free Consent and Allowance, or that they had endowed them with Glebelands, and most commonly it was on all these Accounts put together. But, my Lord, is this a sufficient Reason for calling a Benefice the Patron's own? Whatever he gave to the Benefice was indeed properly his own, before he gave it, and whilst it remained not dedicated. But after it was dedicated, surely it ceased to be his own at least in the same Sense as it was formerly. For otherwise what was the meaning of St. Peter's Question to *Ananias*, *Whilst it remained was it not thine own?* Or where was *Ananias's* Sin in keeping back only a part, if it was all his own after it was dedicated, and as much after as before?

But lest all this should not satisfy your Lordship, I shall advance yet one Step further, and consider

Thirdly, Of what a Benefice commonly consists, and how far it may be said to be the Gift of the Patron, who first obtained this Right of Nomination to it.

Now your Lordship cannot but know, that Benefices for the most part consist both of Lands and Tythes. I have before admitted that the Patron might, and probably did give the Lands now called the Glebes. But, my Lord, did he give the Tythes also? No assuredly, the Clergy claim them by an higher and better Title. The Patron did not give them, for they were not his to give: But on the contrary, he received his own Estate subject to them. Now as the Tythes are the far greater part of the Profits of almost every Benefice, so there are some Benefices that have nothing else but Tythes. And what

what Right has the Patron then to divide these at his Pleasure, more than the Bishop or Incumbent, whose Consent is by Law required to a Division of the Benefice, as much as his? This I hope may serve for a full Answer to what is said to that purpose by your Lordship, not only in this Paragraph, but also in the 23d Paragraph of the first Edition, or 24th of this, where this Matter was passed over by me before without Answer.

I come now to offer a few Things in Defence of the Conduct of the inferior Clergy, some whereof your Lordship in your first Edition complains, for appearing publickly against the Bills, and of others for contributing privately to the Opposition that was made to them, and of the Ingratitude of both in hiring other People's Tongues to say those Things, which they did not think it prudent to say themselves; with much more to the same Effect.

My Lord, tho' I never heard of any Thing either said or done by any of the Clergy on this Occasion unbecoming their Order, yet I cannot take upon me to justify every Step that was taken, much less every Word that might be drop'd by them, or their Counsel in the Heat of a Contest, at which I was not present.

Your Lordship may be easily sensible how hard a Thing it is to avoid all Error and Indecency of Behaviour in Matters of Controversy. But it is not hard to make answer to all such general Accusations as these. Had not (my Lord) the inferior Clergy a Right to petition to be heard by their Counsel against these Bills, if they conceived them to be detrimental either to themselves, or the Church? Or might they not apply themselves to their Representatives in Parliament for Redress, where they apprehended the Bishops to have mistaken the Interest of both? Or after they had retained learned Counsel to argue in their Behalf, was it to be expected that
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those Counsel should be, in every Thing they should say, under the Direction and Controul of those that employed them? Whatever Blame therefore your Lordship may be disposed to lay on them, either for appearing publickly, or contributing privately to the Opposition that was made, against these Bills, I am confident that their Brethren will readily acknowledge and applaud their well-tim'd Zeal, and not only chearfully and thankfully repay them their necessary Costs, disbursed by them on the common Account, but hold their Persons in greater Honour and Reputation for the future.

But, my Lord, in your second Edition, Page 30, and 31, your Lordship is somewhat more particular, where you express your Grief to see so unhappy a Spirit raised by some few only of the Clergy, and spread by them amongst many of the Laity. And here you seem to raise your Voice, and to accuse those Clergymen of much Clamour and Reproach, of making rude Attacks on the Bench of Bishops, and of wounding Religion and the establish'd Church thro' their Sides. And that no one may be ignorant where your Lordship intends to fix all this, you carefully mark from what Quarter the Clamour began, *viz. From that which has always professed to set the Episcopal Power on the highest Foot*, and your Lordship seems willing to have it believed that all the scandalous and wicked Pamphlets and Libels (as contrary to all Religions as to that of the Establish'd Church) which have peep'd abroad on this Occasion, were written and publish'd by Clergymen of that Party, or under their Direction, or at least that they were some Way caused and occasioned by them.

But, my Lord, was it to be expected that so publick a Dissension as this, could sink and die at once without making the least Noise? This is surely contrary to the Nature of Things, and therefore impossible. But then it had, no doubt, been dead and buried

ried long since, if it were not kept up by other Causes.

And here I cannot dissemble my Opinion, that the Publication of your Lordship's Letter has kept it alive. For thereby a Controversy was begun, you having undertaken to shew that the inferior Clergy did wrong in Petitioning against the Bills, and the Honourable *House of Commons* in rejecting them. And now again you have published your new Edition of that Letter with Additions, wherein you tell the World that the Bishops continue to a Man in the same Mind they were, firmly perswaded that the Two Bills were well calculated for the Service of Christianity, and of the Protestant Interest, and even for the common Good of the Clergy themselves, and their Successors. This you afterwards soften a little by saying, that if the opposing Clergy are still of a different Opinion, yet it being Matter of Opinion only, concerning Expediency or Inexpediency, wise and good Men may differ in Judgment without Offence and Exasperation. Now this indeed sounds a little towards Peace, and an Accommodation of all Differences. And I am glad to find that your Lordship is of Opinion, that the present Debate concerns Matters of Expediency only, and not of Necessity.

My Lord, if Things could rest here, all would be well again in a very short Time. But if my Lords the Bishops should prove so fond of their Opinion, as to endeavour a second Time to reduce it into Practice and Fact, what can be expected in that Case, but that the inferior Clergy will once more raise the utmost Opposition against such Attempts? The Consequence of which, I fear, will be that Men's Passions will be whetted, and their Spirits on both Sides sharpened by Contradiction, and that the Quarrel will run as high as ever.

For my own Part, I am not less sensible than your Lordship, of the Mischiefs arising to the Church from
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these Dissentions. I look upon it as a great Misfortune to my self in particular, that I should happen to differ from so great a Number of my Lords the Bishops, in Matters, one of which at least seems to me to relate pretty nearly to the Interest of the Church. I shall continue however in the same Sentiments, till you, or some other Person shews me better Reasons for altering my Opinion, than I have met with hitherto. But for the rest, I am, my Lord,

Your Lordship's

Most Humble,

and Most Obedient Servant.

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